



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

DEC 20 1999

Reply To
Attn Of: OW-135

Ted Meyers
National Marine Fisheries Service
304 North 8th, Rm. 236
Boise, Idaho 83702

Robert Ruesink
US Fish and Wildlife Service
1387 S. Vinnell Way, Rm. 368
Boise, Idaho 83709

RECEIVED
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SN RIVER FISH AND WILDLIFE
U.S. FWS

Dear Mr. Meyers and Mr. Ruesink:

The Environmental Protection Agency (EPA) Region 10, is submitting with this letter our Biological Assessment (BA) addressing EPA's approval of Idaho's water quality standards for numeric criteria for toxic pollutants. The numeric criteria were part of the Idaho's water quality standards revisions that were adopted by Idaho in August 1994, and approved by EPA in June 1996. EPA's approval action was subject to completion of ESA Section 7 consultation. With this submission, EPA is requesting initiation of formal consultation under Section 7 of the Endangered Species Act (ESA). We believe that this document meets all of the requirements for initiation of formal consultation outlined in 50 CFR 402.14(c).

The enclosed BA analyzes potential effects of EPA's approval to listed and proposed species and critical habitat. The BA includes an assessment of the potential effects of the following numeric criteria to species of concern: arsenic, cadmium, copper, cyanide, endosulfan, lead, mercury, selenium, zinc, aldrin/dieldrin, chlordane, chromium (III), chromium (VI), DDT, endrin, heptachlor, lindane (gamma-BHC), nickel, PCBs, pentachlorophenol, silver, and toxaphene. This BA does not include an assessment of the other portions of the Idaho water quality standards package, including numeric criteria for conventional pollutants, narrative criteria, designated beneficial uses, and antidegradation, mixing zone and variance policies.

We determined that two of the criteria (chronic mercury and chronic selenium) were "likely to adversely affect" bull trout, Snake River sockeye salmon, Snake River spring/summer chinook salmon, Snake River fall chinook salmon, Snake River steelhead, Kootenai River white sturgeon, peregrine falcon, bald eagle, and whooping crane.

As a result of our determination for mercury and selenium, EPA is proposing the following measures to mitigate the potential adverse effects to species of concern:

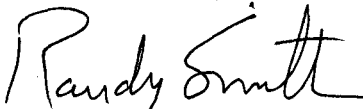
- * EPA will revise its recommended 304(a) human health criteria for mercury by January 2002. These criteria should be sufficient to protect federally listed aquatic and aquatic-dependent wildlife species. The revised criteria will be derived using a new national Bioaccumulation Factor (BAF) derivation methodology and more recent bioaccumulation data. EPA will collaborate with Idaho to propose revised criteria by January 2003.
- * EPA will revise its recommended 304(a) acute and chronic aquatic criteria for selenium by January 2002. EPA will work in close cooperation with the Services to evaluate the degree of protection afforded to listed species by the revisions to these criteria. EPA will collaborate with Idaho to propose revised criteria by January 2003.

EPA's analysis of the other numeric toxic criteria found that they are not likely to adversely affect the species covered by this assessment. We request your concurrence with our determinations described in the BA.

I am appreciative of the hard work and dedication that your staff, the staff in US Fish and Wildlife Service, and my staff have put into this consultation effort. Now that the Biological Assessment is completed, I am committed to continue to work closely with NMFS and US-FWS to assist in the timely completion of the Biological Opinion.

If you have any questions, please feel free to call me at (206) 553-1261, or call Lisa Macchio of my staff, at (206) 553-1834.

Sincerely,



Randall F. Smith
Director
Office of Water

Enclosure

cc: Dave Mabe, Idaho DEQ
Russ Storch, NMFS (letter only)
John Volkman, NMFS (letter only)
Susan Martin, US-FWS (letter only)